



CITY OF MUKILTEO

REQUEST FOR COMMENTS

DATE: May 16, 2016

	Alderwood Water District – Dan Sheil /Lauren Balisky		Puget Sound Clean Air Agency (Beth Carper)
	Burlington Northern Santa Fe Railway (Marvinique Hill)		Puget Sound Energy (Dom Amor)
X	City of Edmonds (Rob Chave)		Puget Sound Regional Council
X	City of Everett (Allan Giffen)		Seattle Dist. Corps of Engineers (Dept. Army-Reg. Branch)
X	City of Everett (Steve Ingalsbe)	X	Snohomish Co. Airport/Paine Field (A. Rardin/B. Dolan)
X	City of Lynnwood (Paul Krauss)		Snohomish Co. Assessor's Office (<i>Ordinances Only</i>)
X	City of Mill Creek (Tom Rogers)		Snohomish Co. Conservation District
X	City of Mukilteo (Building Official)		Snohomish Co. Environmental (Cheryl Sullivan)
X	City of Mukilteo (Fire Chief)		Snohomish Co. Fire District #1 (Kevin Zweber)
X	City of Mukilteo (Fire Marshal)		Snohomish Co. Marine Res. Comm. (Kathleen Herrmann)
X	City of Mukilteo (Engineering "In-Box")	X	Snohomish Co. Planning & Dev. Srvc. (Darryl Easton)
X	City of Mukilteo (Com. Dev. Dir.)(<i>Postcard/Notice only</i>)		Snohomish Co. Public Works (Deb Werdal)
X	City of Mukilteo (Charles Macklin, Cheol Kang, Colt Davis)		Snohomish Co. PUD: Dist. Eng. Services (Mary Wicklund)
	Comcast of Washington (Casey Brown)	X	Snohomish Health District (Bruce A. Straughn)
	Community Transit (Kate Tourtellot)		Sound Transit Authority (Perry Weinberg)
X	Dept. of Commerce (Growth Mgmt. Svcs Rev. Team)	X	Tulalip Tribes
	Dept. of Natural Resources (James Taylor)	X	Tulalip Tribes -- (Richard Young)
	FAA/Air Traffic Division, ANM-0520 (Daniel Shoemaker)		United States Postal Service (Soon H. Kim)
	FEMA (John Graves)		Verizon Company of the NW, Inc. (Tim Rennick.)
	Island County MRC (Rex Porter) (<i>Shoreline Only</i>)		Washington Dept. of Ecology (Peg Plummer)
	Master Builders King/Sno. Counties (Jennifer Anderson)		Washington Dept of Fish & Wildlife (Jamie Bails)
X	Mukilteo Beacon (Editor) (<i>Postcard/Notice only</i>)		WSDOT (Scott Rodman)
X	Mukilteo School District (Cindy Steigerwald)		WSDOT (Ramin Pazooki)
X	Mukilteo School District (Josette Fisher)		WSDOT Ferries(Kojo Fordjour) (<i>Shoreline Only</i>)
X	Mukilteo Tribune (Editor) (<i>Postcard/Notice only</i>)		WRIA 7 Water Resources
	Mukilteo Water & Wastewater District (Jim Voetberg, Manager; Rick Matthews; Jodi Kerslake)	X	Planning Commission (<i>Postcard Only</i>)
	National Marine Fishery Service		Adjacent Property Owners
	Office of Archaeology & Historic Pres. (Allyson Brooks)		Applicant/Contact Person (<i>Notice Only</i>)
X	Ogden, Murphy, Wallace (Angela Belbeck) (<i>Ordinances Only</i>)	X	Parties of Interest
	Pilchuck Audubon Society (Karen Snyder)		Parties of Record
	Port of Everett (Graham Anderson)		Property Owners within 300' (<i>Postcard/Notice Only</i>)
			Other:

FILE NO.: CA-2016-001

PROPONENT: City of Mukilteo

PROPOSAL NAME: Medical Cannabis Collective Gardens Sunset Code Amendment

PROPOSAL DESCRIPTION: Amend Mukilteo Municipal Code to establish a sunset date for the two existing medical cannabis collective gardens located in the city.

FILE NO.: CA-2016-001

PROPONENT: City of Mukilteo


PROPOSAL NAME: Medical Cannabis Collective Gardens Sunset Code Amendment

ATTACHED IS:

X	Notice of Proposed Ordinance		Plat Map (Reduced)
X	DNS		Site Plan (Reduced)
X	Environmental Checklist		Location Map
	Application		Vicinity Map
X	Ordinance (draft)		Other:

NOTE: _____

Please review this project as it relates to your area of concern and return your comments with this cover sheet by, May 31, 2016 to Glen Pickus, Planning Manager, City of Mukilteo, 11930 Cyrus Way, Mukilteo, WA 98275.


Glen Pickus, AICP
Planning Manager

5-9-16
Date

RESPONSE SECTION:

____ Comments Attached

____ No Comments

COMMENTS: _____

Signature

Date

Company

DO YOU WANT A COPY OF OUR NOTICE OF DECISION

YES __ **NO** __



11930 Cyrus Way
Mukilteo, WA 98275
Fax (425) 290-1009

City of Mukilteo, Washington
Notice of Proposed Ordinance
to establish a sunset date for existing Medical
Cannabis Collective Gardens
by amending Mukilteo Municipal Code Title 5
and Title 17
&
**Environmental Determination of
Non-Significance**

The City of Mukilteo has proposed amendments to Title 17, Zoning, Mukilteo Municipal Code (MMC) and to repeal Chapter 5.70 MMC in order to establish a sunset date for the two existing medical cannabis collective gardens located in the city. This proposal and all supporting documents are available at City Hall for public viewing (File No. CA-2016-001).

Proposal Name: Medical Cannabis Collective Gardens Sunset Code Amendment

Description of Proposal:

- Delete the “medical cannabis collective garden” definition from MMC 17.08
- Delete the use “medical cannabis collective garden” from the permitted use table in MMC 17.16.040A
- Delete the permitted use matrix reference note at MMC 16.040(B)(60) which regulates medical cannabis collective gardens
- Amend the permitted use matrix reference note at MMC 16.040(B)(66) to remove references to medical cannabis collective gardens
- Amend Chapter 17.68 MMC, Nonconforming lots, structures, and uses to add a new section, MMC 17.68.080, Medical Cannabis Collective Gardens; and
- Repeal Chapter 5.70 MMC, Medical Cannabis Collective Garden Safety License

Proponent: City of Mukilteo

Location of Proposal: Citywide

Lead Agency: City of Mukilteo

Environmental Documents Prepared for the Proposal: Environmental Checklist

List of Required Actions: Recommendation by Mukilteo Planning Commission with final adoption of the ordinance by Mukilteo City Council.

Optional DNS Process to be Used:

The City of Mukilteo, as lead agency for this proposal, expects to issue a Determination of Non-Significance (DNS) for the proposal. Therefore, the optional DNS process allowed by WAC 197-11-355 is being used. This may be the only opportunity to comment on the environmental impacts of the proposal.

Comment Period

The plans and supporting documents are available for review at the City of Mukilteo, 11930 Cyrus Way, Mukilteo, WA 98275. Contact: Glen Pickus, Planning Manager, at (425) 263-8042. The public is invited to comment on the project by submitting written comments to the Planning & Community Development Department at the above address by 4:30 p.m. on the date noted below.

Notice of Proposal Issued:

Monday, May 16, 2016

End of SEPA Appeal and Comment Period:

Tuesday, May 31, 2016

Public Hearings

The Mukilteo Planning Commission, in accordance with State of Washington planning laws, Mukilteo Municipal Code and other regulations, has jurisdiction to hear and consider this matter and to forward their recommendation on the proposal to the Mukilteo City Council. The Planning Commission will hold a public hearing on this matter, tentatively scheduled for June 16, 2016. Following that, the City Council will hold a public hearing, tentatively scheduled for June 20, 2016.

Appeals

The Environmental Determination is appealable to the City of Mukilteo's Hearing Examiner. An appeal must be filed by 4:30 p.m. Tuesday, May 31, 2016. To appeal, an appeal form must be completed and nonrefundable appeal fee paid. At an Environmental Determination appeal hearing all testimony shall be under oath. Appellants should be prepared to make specific factual objections.

The final decision on this proposal is appealable to Superior Court. An appeal must be filed within 21 days after the final decision on the proposal is issued. Appellants must be a party of record, which includes any person who testified at the open record public hearing(s) on the proposal and/or any person who submitted written comments concerning the proposal.

Contact Person: Glen Pickus, Planning Manager

(425) 263-8042

Signature: _____



Glen Pickus, Planning Manager

Date: _____

5-9-16

Date Issued: Monday, May 16, 2016

Date Advertised: Monday, May 16, 2016

End Comment Period: Tuesday, May 31, 2016

c: Reviewing Agencies
Interested Parties

CD Director
Permit Services Supervisor

Permit Services Assistants (2)
Property File

CITY OF MUKILTEO
MUKILTEO, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MUKILTEO, WASHINGTON, AMENDING CITY LAND USE, ZONING AND LICENSING PROVISIONS TO CONFORM TO STATE LAW BY ESTABLISHING A SUNSET DATE FOR EXISTING MEDICAL CANNABIS COLLECTIVE GARDENS; AMENDING 17.08 TO DELETE THE MEDICAL CANNABIS COLLECTIVE GARDEN DEFINITION; AMENDING 17.16.040A — PERMITTED USE MATRIX, TO DELETE THE USE CATEGORY FOR MEDICAL CANNABIS COLLECTIVE GARDENS EFFECTIVE JULY 1, 2016; AMENDING THE PROVISIONS OF MMC 17.16.040B — REFERENCE NOTES TO DELETE REFERENCES TO MEDICAL CANNABIS COLLECTIVE GARDENS; REPEALING CHAPTER 5.70 MMC — MEDICAL CANNABIS COLLECTIVE GARDEN SAFETY LICENSE EFFECTIVE JULY 1, 2016; AMENDING CHAPTER 17.68 — NON-CONFORMING LOTS, STRUCTURES AND USES TO ADD A NEW SECTION 17.68.080 MEDICAL CANNABIS COLLECTIVE GARDENS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, in the 2015 legislative session, the Washington State Legislature enacted statutes which will become effective July 1, 2016 thereby merging the existing regulatory structures for recreational marijuana and medical cannabis; and

WHEREAS, these amendments, which have been signed into law with a partial veto by the Governor, eliminate collective gardens as distributions points for marijuana effective July 1, 2016; and

WHEREAS, the City Council has deemed it to be in the public interest to permit the maintenance of collective gardens and collective garden distribution points within the City to provide access to medical marijuana patients pending the reform of the State's marijuana licensing structures; and

WHEREAS, the production, processing and sale of marijuana remains illegal under federal law; and

WHEREAS, the state legislature's reconciliation of the recreational marijuana and medical cannabis systems into one unified and regulated structure includes elimination of collective gardens; and

WHEREAS, the City Council deems it to be in the public interest to permit the continued operation of medical cannabis collective gardens until the date set by the Washington State Legislature for discontinuation of such uses, July 1, 2016, now, therefore,

THE CITY COUNCIL OF THE CITY OF MUKILTEO, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Statement of Intent; Sunset Date. Effective July 1, 2016, statutory authorization for collective gardens or medical cannabis collective gardens will terminate. The City Council has previously deemed it to be in the public interest to permit the continuation of two medical cannabis collective gardens within the City. One of the primary reasons for the changes in state law is the reconciliation of the recreational marijuana system with the medical cannabis collective garden system. Having an untaxed system for the distribution of medical marijuana undercuts the regulatory and taxing scheme developed by the Washington State Liquor and Cannabis Board (LCB). Accordingly, effective July 1, 2016, the two systems will be merged. The Washington State Legislature through the LCB has modified the recreational marijuana system to identify products for medicinal use as well to train sales staff in the distribution of medical marijuana. The City Council has enacted these provisions in order to sunset the current collective gardens as a permitted use under the City's zoning code effective July 1, 2016.

Section 2. MMC 17.16.040(A) - Permitted Use Matrix and (B) Reference Notes for Permitted Use Matrix are hereby amended to delete the Medical Cannabis Collective Garden use listed under “Other” in Table 17.16.040, Permitted Use Matrix, delete in its entirety the medical cannabis collective garden reference note in MMC 17.16.040(B)(60) and amend the reference note in MMC 17.16.040(B)(65) to remove any references to medical cannabis collective gardens effective July 1, 2016. The amended permitted use matrix is attached as Exhibit A to this Ordinance and the amended reference notes are attached as Exhibit B to this Ordinance both of which are incorporated herein as if set forth in full.

Section 3. Amending Chapter 17.08 Definitions The definition for “Medical cannabis collective garden” is hereby deleted from Chapter 17.08 Mukilteo Municipal Code.

Section 4. Chapter 5.70 MMC - Medical Cannabis Collective Garden Safety License is hereby repealed effective July 1, 2016.

Section 5. Amending Chapter 17.68 - Nonconforming Lots, Structures and Uses. Chapter 17.68 is hereby amended to add a new Section 17.68.080 Medical Collective Gardens to read as follows:

17.68.080 Medical Collective Gardens.

Medical cannabis collective gardens which have been licensed pursuant to the revisions of Chapter 5.70 MMC shall cease operation on or before July 1, 2016 in accordance with the provisions of state law.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Effective Date. This ordinance, being an exercise of a power specifically

delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council and APPROVED by the Mayor this 20th day of June, 2016.

APPROVED:

MAYOR, JENNIFER GREGERSON

ATTEST/AUTHENTICATED:

CITY CLERK, JANET KEEFE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO. _____

SUMMARY OF ORDINANCE NO. _____

of the City of Mukilteo, Washington

On June 20, 2016, the City Council of the City of Mukilteo, Washington, approved Ordinance No. _____, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF MUKILTEO, WASHINGTON, AMENDING CITY LAND USE, ZONING AND LICENSING PROVISIONS TO CONFORM TO STATE LAW BY ESTABLISHING A SUNSET DATE FOR EXISTING MEDICAL CANNABIS COLLECTIVE GARDENS; AMENDING 17.08 TO DELETE THE MEDICAL CANNABIS COLLECTIVE GARDEN DEFINITION; AMENDING 17.16.040A — PERMITTED USE MATRIX, TO DELETE THE USE CATEGORY FOR MEDICAL CANNABIS COLLECTIVE GARDENS EFFECTIVE JULY 1, 2016; AMENDING THE PROVISIONS OF MMC 17.16.040B — REFERENCE NOTES TO DELETE REFERENCES TO MEDICAL CANNABIS COLLECTIVE GARDENS; REPEALING CHAPTER 5.70 MMC — MEDICAL CANNABIS COLLECTIVE GARDEN SAFETY LICENSE EFFECTIVE JULY 1, 2016; AMENDING CHAPTER 17.68 — NON-CONFORMING LOTS, STRUCTURES AND USES TO ADD A NEW SECTION 17.68.080 MEDICAL CANNABIS COLLECTIVE GARDENS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of June 20, 2016.

CITY CLERK, JANET KEEFE

Exhibit A

17.16.040 Permitted use matrix.
A. Table 17.16.040

Table 17.16.040

USE	RESIDENTIAL										COMMERCIAL								INDUSTRIAL					PUBLIC	
	RD12.5	RD12.5(S)	RD9.6	RD9.6(S)	RD8.4	RD7.5	RD7.2	WFB	MRD	MR	CB(S)	CB(S)-2	PCB(S)	DB	CB	PCB	WMU ¹	BP	IP	PI	LI	HI	PSP ²	OS ⁴⁰	
Other																									
Higher education or trade school										C	C	C	C		C	C	C	P	P	P	P	P	C		
Homeless encampments ⁵⁴	T	T	T	T	T	T	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T			
Medical cannabis collective gardens ⁶⁰																					P				
Moved-in buildings (other than manufactured homes)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	C ⁶	
Nonconforming use: changes or intensification ³⁸	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C		C	
Places of worship	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P		P	P	P	P	P	C		
Railroad right-of-way	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	
School: K–12 and preschool	C	C	C	C	C	C	C	C	C	C				P				P	P	P	P	P	C		
Temporary buildings (one year or less)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	C	
Temporary emergency use ³⁹	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	

P = Permitted Use

C = Conditional Use

T = Temporary Use

I = Interim Use

Blank = Not Allowed

Exhibit B

B. Reference Notes for Permitted Use Matrix.

60. Reserved

~~Medical Cannabis Collective Gardens. All medical cannabis collective gardens shall meet the following development standards:~~

- a. ~~The definitions set forth in RCW 69.51A.010 and Section 17.08.020 shall apply.~~
- b. ~~Location.~~
 - i. ~~No more than one collective garden shall be located on a single parcel.~~
 - ii. ~~Shall be located fully within a permanent structure designed to comply with the city building code and constructed under a building permit from the city regardless of the size or configuration of the structure.~~
 - iii. ~~Shall not be located in a mobile structure.~~
 - iv. ~~No collective garden shall be located within one thousand feet of the following. The measurement shall be taken in a straight line from property boundary to property boundary.~~
 - ~~(A) Another existing collective garden; or~~
 - ~~(B) Public park; or~~
 - ~~(C) Community center; or~~
 - ~~(D) Elementary or secondary school (public and private); or~~
 - ~~(E) Day care center; or~~
 - ~~(F) Youth oriented facility; or~~
 - ~~(G) Single family, multifamily or PCB(S) zoning district.~~
- c. ~~No production, processing or delivery of cannabis may be visible to the public nor may it be visible through windows.~~
- d. ~~A collective garden must meet all requirements under E2SSB 5073, including but not limited to limitations on number of members, number of plants, amount of usable cannabis on site, maintenance of each member's valid documentation of qualifying patient status.~~
- e. ~~All fertilizers, chemicals, gases and hazardous materials shall be handled in compliance with all applicable local, state and federal regulations. No fertilizers, chemicals, gases or hazardous materials shall be allowed to enter a sanitary sewer or stormwater sewer system nor be released into the atmosphere outside of the structure where the garden is located.~~
- f. ~~No odors shall be allowed to migrate beyond the interior portion of the structure where the garden is located.~~
- g. ~~A medical cannabis collective garden safety license pursuant to Chapter 5.70 shall be obtained prior to the start of operations of the collective garden.~~
- h. ~~Collective gardens shall be operated in compliance with public safety and development laws that similar activities are required to comply with, including but not limited to:~~
 - i. ~~City of Mukilteo health and safety regulations as set forth in Title 8; and~~
 - ii. ~~City of Mukilteo public peace, morals and welfare regulations as set forth in Title 9; and~~
 - iii. ~~City of Mukilteo public services regulations as set forth in Title 13; and~~
 - iv. ~~City of Mukilteo buildings and construction regulations as set forth in Title 15; and~~
 - v. ~~City of Mukilteo zoning regulations as set forth in Titles 17 and 17B; and~~

- vi. ~~Alderwood water and wastewater district requirements; and~~
- vii. ~~Snohomish County public utility district No. 1 requirements; and~~
- viii. ~~State of Washington Chapter 70.160 RCW, smoking in public places regulations; and~~
- ix. ~~Americans with Disabilities Act requirements.~~

66. Marijuana Retail, Processing and Production Facilities. All state-licensed marijuana facilities shall meet the following development standards:

- a. All facilities must be state-licensed and comply with all of the standards for state-licensed marijuana facilities.
- b. No marijuana facility shall be allowed as a home occupation.
- c. The definitions set forth in RCW 69.50.101 through 69.50.102, WAC 314-55-010 and Section 17.08.020 shall control. In the event of conflict, the provisions of Section 17.08.020 shall prevail.
- d. Location.
 - i. No more than one facility shall be located on a single parcel.
 - ii. Marijuana retail and processing facilities shall be located fully within a permanent structure designed to comply with the city building code and constructed under a building/tenant improvement permit from the city regardless of the size or configuration of the structure.
 - iii. Marijuana production facilities shall be located:
 - (A) Fully within a permanent structure designed to comply with the city building code and constructed under a building/tenant improvement permit from the city regardless of the size or configuration of the structure; or
 - (B) In non-rigid greenhouses, other structures, or an expanse of open or clear ground fully enclosed by a physical barrier enclosed by a sight obscuring wall or fence eight feet high.
 - iv. Marijuana facilities shall not be located in a mobile structure.
 - v. No state-licensed marijuana facility shall be located within one thousand feet of the perimeter of the parcel on which any of the entities listed below are located. The distance shall be measured in the manner set forth in WAC 314-55-050(10).
 - (A) Elementary or secondary school (public or private);
 - (B) Playground;
 - (C) Recreation center or facility;
 - (D) Child care center;
 - (E) Public park;
 - (F) Public transit center;
 - (G) Library;
 - (H) Any game arcade which allows admission to persons under twenty-one years of age.
 - vi. No state-licensed marijuana retail facility shall be located within one thousand feet of the perimeter of a parcel on which a state-licensed marijuana production or processing facility ~~or medical cannabis collective garden~~ is located nor shall a state-licensed marijuana production or processing facility be located within one

thousand feet of the perimeter of a parcel on which a state-licensed marijuana retail facility ~~or medical cannabis collective garden~~ is located. The distance shall be measured in the manner set forth in WAC 314-55-050(10).

- e. No production, processing or delivery of marijuana may be visible to the public nor may it be visible through windows.
- f. All fertilizers, chemicals, gases and hazardous materials shall be handled in compliance with all applicable local, state and federal regulations. No fertilizers, chemicals, gases or hazardous materials shall be allowed to enter neither a sanitary sewer or stormwater sewer system nor be released into the atmosphere outside of the structure where the facility is located.
- g. No odors shall be allowed to migrate beyond the interior portion of the structure where a marijuana facility is located.
- h. A city of Mukilteo business license pursuant to Chapter 5.04 and a state license pursuant to Chapter 314-55 WAC shall be obtained prior to the start of operations of the facility.
- i. All facilities shall comply with Chapter 19.27 RCW, State Building Code Act, and Title 15, Buildings and Construction. Appropriate permits shall be obtained for all changes of use, tenant improvements, mechanical system improvements, electrical upgrades and similar work.

DRAFT



City of Mukilteo, Washington
**DETERMINATION OF NONSIGNIFICANCE
(DNS)**

11930 Cyrus Way, Mukilteo, WA 98275

PROPOSAL NAME: Medical Cannabis Collective Garden Sunset Code Amendment Ordinance (CA-2016-001)

DESCRIPTION OF PROPOSAL:

To establish a sunset date for the two existing medical cannabis collective gardens located in the city by amending Mukilteo Municipal Code (MMC) as follows:

- Delete the "medical cannabis collective garden" definition from MMC 17.08
- Delete the use "medical cannabis collective garden" from the permitted use table in MMC 17.16.040A
- Delete the permitted use matrix reference note at MMC 16.040(B)(60)
- Amend the permitted use matrix reference note at MMC 16.040(B)(66) to remove references to medical cannabis collective gardens
- Amend Chapter 17.68 MMC, Nonconforming lots, structures, and uses to add a new section, MMC 17.68.080, Medical Cannabis Collective Gardens; and
- Repeal Chapter 5.70 MMC, Medical Cannabis Collective Garden Safety License

PROPONENT: City of Mukilteo

LOCATION OF PROPOSAL: Citywide

LEAD AGENCY: City of Mukilteo

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

COMMENT/APPEAL PERIOD

This DNS is issued under WAC 197-11-355; the lead agency will not act on this proposal for fourteen (14) days from **Monday, May 16, 2016**. Comments/Appeals must be submitted by **Tuesday, May 31, 2016**.

Contact Person: Glen Pickus, Planning Manager, (425) 263-8042

RESPONSIBLE OFFICIAL: *Patricia Love*
TITLE: *Community Development Director*
TELEPHONE: *(425) 263-8041*
ADDRESS: *11930 Cyrus Way, Mukilteo, WA 98275*

Signature:

Responsible Official

Date: 5/19/16

DATE OF ISSUANCE: Monday, May 16, 2016

APPEALS

You may appeal this determination by filling out the appeal form and submitting it with the applicable appeal fee, which is non-refundable, to the "City of Mukilteo." Submit the appeal form and fee to the City of Mukilteo Department of Planning & Community Development at 11930 Cyrus Way, Mukilteo, WA 98275 by written comment no later than 4:30 pm. on **Tuesday, May 31, 2016**.

At a State Environmental Policy Act (SEPA) hearing, all testimony shall be "under oath". You should be prepared to make specific factual objections. Contact the Department of Planning & Community Development to read or ask about the procedures for SEPA appeals.



CITY OF MUKILTEO

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals: [\[help\]](#)

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background

1. Name of proposed project, if applicable:
Medical Cannabis Collective Garden Sunset Code Amendment Ordinance
2. Name of applicant:
City of Mukilteo
3. Address and phone number of applicant and contact person:
11930 Cyrus Way
Mukilteo WA 98275
425-263-8043
4. Date checklist prepared:
May 6, 2016
5. Agency requesting checklist:
City of Mukilteo
6. Proposed timing or schedule (including phasing, if applicable):
Adoption of the ordinance by City Council in June 2016
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. **No**
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. **No**
10. List any government approvals or permits that will be needed for your proposal, if known.
Mukilteo City Council approval
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)
To establish a sunset date for the two existing medical cannabis collective gardens located in the city by amending Mukilteo Municipal Code as follows:
 - **Delete the “medical cannabis collective garden” definition from MMC 17.08**
 - **Delete the use “medical cannabis collective garden” from the permitted use table in MMC 17.16.040A**
 - **Delete the permitted use matrix reference note at MMC 16.040(B)(60) which regulates medical cannabis collective gardens**
 - **Amend the permitted use matrix reference note at MMC 16.040(B)(66) to remove references to medical cannabis collective gardens**

- Amend Chapter 17.68 MMC, Nonconforming lots, structures, and uses to add a new section, MMC 17.68.080, Medical Cannabis Collective Gardens; and
- Repeal Chapter 5.70 MMC, Medical Cannabis Collective Garden Safety License

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. **Citywide**

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

The City of Mukilteo's physical topography ranges from relatively flat lands to steep sloped ravines and coastal bluffs. Commercial and Industrial areas, and Public Semi-Public zones where service stations are located mostly on flat or nearly-flat areas.

b. What is the steepest slope on the site (approximate percent slope)?
0-100%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Primarily Vashon Till (Glacial) and Sand with sand lenses. There are no farmlands.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Coastal Bluffs and side slopes in the gulches and ravines have a history of being unstable.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

N/A. This is a non-project action. Clearing, grading, or filling are not affected.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

N/A. This is a non-project action.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

N/A. This is a non-project action.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

N/A. This is a non-project action.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

N/A. This non-project action.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

N/A. This non-project action.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

N/A. This non-project action.

3. Water

- a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

The City of Mukilteo is surrounded by Port Gardner Bay to the north and Possession Bay to the west. Physically the City and its urban growth area have fourteen (14) steep sloped ravines with small streams and drainage ways that feed into Possession Bay or Lake Washington. Upland there are several wetland systems that feed into these ravines and drainage ways. Japanese, Big, and Picnic Point Gulches are the largest and most critical ravine and stream systems in the City. Lake Serene also lies within the City's MUGA area.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

N/A. This is a non-project action.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A. This non-project action.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

N/A. This non-project action.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Mukilteo has two areas within a 100-year flood plain: North Mukilteo in the vicinity of Front Street and Mid Mukilteo, the Naketa Beach area west of the BNSF railroad tracks.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

N/A. This non-project action.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

N/A. This non-project action.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

The majority of the City is on public water and sewer. Properties subject to redevelopment or development are either currently being served by public services or will be required to connect to the public system prior to acceptance or occupancy of their proposed development.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

N/A. This non-project action.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

N/A. This non-project action.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

N/A. This non-project action.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

N/A. This non-project action.

4. Plants

a. Check the types of vegetation found on the site:

☒ deciduous tree: alder, maple, aspen, other

☒ evergreen tree: fir, cedar, pine, other

☒ shrubs

☒ grass

☐ pasture

☐ crop or grain

☒ Orchards, vineyards or other permanent crops.

☒ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

☒ water plants: water lily, eelgrass, milfoil, other

☒ other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?

N/A. This non-project action.

- c. List threatened and endangered species known to be on or near the site.

None known at this time

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

N/A. This non-project action.

- e. List all noxious weeds and invasive species known to be on or near the site.

N/A. This non-project action.

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: **hawk, heron, eagle**, songbirds, other:

mammals: **deer**, bear, elk, **beaver**, other:

fish: bass, **salmon**, trout, herring, shellfish, other _____

- b. List any threatened and endangered species known to be on or near the site.

Marine species use Port Gardner Bay & Possession Sound, while bald eagles use Japanese Gulch, Mukilteo Olympic View Ravine, Big Gulch, and Lower Chennault Gulch. Heron have been seen in Japanese Gulch. The City has three active Eagle nesting areas: Japanese Gulch, Mukilteo Olympic View Ravine (76th/ 80th Street), and Possession Sound Park and Tidelands (Sector 11).

Specific threatened and endangered species include:

Bald Eagle nesting Territory – Threatened

Potential Peregrine Falcon Foraging – Threatened

Potential Steller Sea Lion Foraging – Threatened

Puget Sound Chinook Salmon – Endangered

Bull Trout – Endangered

Steelhead - Threatened

Orca - Endangered

- c. Is the site part of a migration route? If so, explain.

Yes. Mukilteo is part of the Pacific coast flyway.

- d. Proposed measures to preserve or enhance wildlife, if any:

N/A. This non-project action.

- e. List any invasive animal species known to be on or near the site.

None know at this time

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

The City of Mukilteo is currently served with all the utilities necessary to serve an urban environment: public water, sewer, gas, power, telephone, and cable.

- b. Would your project affect the potential use of solar energy by adjacent properties?
If so, generally describe.

N/A. This non-project action.

- c. What kinds of energy conservation features are included in the plans of this proposal?
List other proposed measures to reduce or control energy impacts, if any:

N/A. This non-project action.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?
If so, describe.

N/A. This non-project action.

- 1) Describe any known or possible contamination at the site from present or past uses.

N/A. This non-project action.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

N/A. This non-project action.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

N/A. This non-project action.

- 4) Describe special emergency services that might be required.

N/A. This non-project action.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

N/A. This non-project action.

- b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

N/A. This non-project action.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

N/A. This non-project action.

3) Proposed measures to reduce or control noise impacts, if any:

N/A. This non-project action.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

N/A. This non-project action.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

There are no on-going and sustainable agricultural lands in the City of Mukilteo. In the 19th Century to the mid-20th Century, various parcels in the City have been used for farm animals and fruit trees.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

N/A. This non-project action.

c. Describe any structures on the site.

N/A. This non-project action.

d. Will any structures be demolished? If so, what?

N/A. This non-project action.

e. What is the current zoning classification of the site?

All zoning districts are affected.

f. What is the current comprehensive plan designation of the site?

The City's land use designations include:

- **Single family residential**
- **Multifamily residential**
- **Commercial**
- **Industrial**
- **Mixed Use**
- **Parks & Open Space**
- **Public Use**

g. If applicable, what is the current shoreline master program designation of the site?

N/A. This non-project action.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Yes. Within the City are streams, wetlands, geologic sensitive areas (steep slopes), fish and wildlife habitat conservation areas, shorelines, and flood hazard areas.

- i. Approximately how many people would reside or work in the completed project?

The current City of Mukilteo population is estimated to be 20,860.

- j. Approximately how many people would the completed project displace?

None

- k. Proposed measures to avoid or reduce displacement impacts, if any:

N/A. This non-project action.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

N/A. This non-project action.

- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

N/A. This non-project action.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

N/A. This non-project action.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

N/A. This non-project action..

- c. Proposed measures to reduce or control housing impacts, if any:

N/A. This non-project action..

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

N/A. This non-project action..

- b. What views in the immediate vicinity would be altered or obstructed?

N/A. This non-project action.

- b. Proposed measures to reduce or control aesthetic impacts, if any:

N/A. This non-project action

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A. This non-project action.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A. This non-project action.

- c. What existing off-site sources of light or glare may affect your proposal?

N/A. This non-project action.

- d. Proposed measures to reduce or control light and glare impacts, if any:

N/A. This non-project action.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

N/A. This non-project action.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

N/A. This non-project action.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.

N/A. This non-project action.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

N/A. This non-project action.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

N/A. This non-project action.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

N/A. This non-project action.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

N/A. This non-project action.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Zero. Zero

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

No.

- e. Describe the existing condition of the proposed access road, including width of easement, width of pavement or roadway, curbs, gutters, and/or sidewalks.

N/A. This non-project action.

- f. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

N/A. This non-project action.

- g. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

None

- i. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No.

- j. Proposed measures to reduce or control transportation impacts, if any:

N/A. This non-project action.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

No

- b. Proposed measures to reduce or control direct impacts on public services, if any.

N/A. This non-project action.

16. Utilities

- a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

N/A. This non-project action.

- c. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

N/A. This non-project action.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  _____

Name of signee: **Glen Pickus**

Position and Agency/Organization: **Planning Manager, City of Mukilteo**

Date Submitted: **May 6, 2016**

D. supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal will not increase any discharges to water or air or release hazardous substances or produce noise.

Proposed measures to avoid or reduce such increases are: **N/A**

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal will not affect plants, animals, fish or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are: **N/A**

3. How would the proposal be likely to deplete energy or natural resources?

The proposal will not deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are: **N/A**

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal will not affect environmentally sensitive areas or areas designated for governmental protection.

Proposed measures to protect such resources or to avoid or reduce impacts are: **N/A**

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal will not affect land and shoreline use, nor will it allow or encourage and uses incompatible with existing plans.

Proposed measures to avoid or reduce shoreline and land use impacts are: **N/A**

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal will not increase demands on transportation or public services and utilities.

Proposed measures to reduce or respond to such demand(s) are: **N/A**

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal is intended to be consistent with recently amended Washington State law regarding medical cannabis collective gardens. It will not conflict with any local, state, or federal laws or other requirements for the protection of the environment.